

Environmental Assessment Revitalization Process

Discussion Paper Engagement August 2018



Overview

- Environmental assessment (EA) revitalization process update
- Overview of the Discussion Paper
 - What We Heard
 - Proposed EA process
- Next steps in EA revitalization



EA Revitalization Process Update



The Premier of British Columbia has mandated the Minister of Environment and Climate Change Strategy (Minister George Heyman) to:

"Revitalize the Environmental Assessment process ... to ensure the legal rights of First Nations are respected, and the public's expectation of a strong, transparent process is met."



Objectives of Revitalization

EA revitalization is intended to result in changes to EA legislation, regulations, policies and practices that:

- Enhance public confidence, transparency and meaningful participation
- Advance reconciliation with First Nations
- Protect the environment while offering clear pathways to sustainable project approvals



WHAT WE HAVE DONE AND WHAT IS NEXT:

The Environmental Assessment Revitalization process

Environmental Assessment Process Announced

March 7th, 2018









Initial Engagement Phase

February - April, 2018

Environmental Assessment Advisory Committee:

- Independent committee to provide recommendations
 - 2 co-chairs
 - 10 members
 - 75 hours of meetings
 - Report & 33 recommendations

First Nations Workshops:

- · Led by FNEMC on behalf of FNLC and supported by EAO
- 4 regional workshops in Terrace, Prince George, Kamloops and Nanaimo
 - Over 60 nations participated
- 1 province wide forum in Vancouver
 - Over 70 nations participated

Direct Engagement:

Read the Report of the Committee

Read the Summary of Regional Workshops



June, 2018

Discussion Paper

Discussion paper informed by the outcomes of workshops, engagements and recommendations of the Environmental Assessment **Advisory Committee**



June 18 - July 20, 2018

Comment Period on Discussion Paper



You are here



Late Summer / Fall, 2018

What We Heard Report & Intentions Paper

Documents are created to outline what we heard and the intended direction of B.C.'s new environmental assessment process



Late Fall, 2018

Revitalization

New legislation introduced to support B.C.'s revitalized environmental assessment process



Discussion Paper Overview

- Brings together input from the three streams of engagement
- Identifies actions the Province is considering and potential key features of a revitalized Act
 - Codifies or advances existing practices, and
 - Includes new practices
- Addresses the 3 objectives of revitalization
- Breaks down the revitalized process step by step
- Identifies key questions for feedback/consideration



EA Revitalization What We Heard Overview



What We Heard: Indigenous Groups

- Recognition of Indigenous governments as decision makers
- Early engagement enables development of positive relationships
- Indigenous information requirements inform project design/development
- Predictable and sufficient capacity funding
- Option for Indigenous-led assessments



What We Heard: Industry Associations

- Investor confidence
- Certainty and predictability of EA process
- Many aspects of the current EA process are successful
- Flexibility for individual proponents to employ new or innovative approaches including the ways in which proponents build and advance relationships with Indigenous groups and stakeholders

What We Heard: Non-Government Organizations

- Lack of public confidence in the purpose of EA, the process, and decisions
- Importance of addressing sustainability and public interest
- Concerns beyond EA (regional planning, cumulative effects)



EA Revitalization Discussion Paper Overview



PROPOSED ENVIRONMENTAL ASSESSMENT PROCESS

Initial Project Description			Assessment Plan Process Order Application			Assessment Report		
	Public Engagement		Public Engagement	Public Engagement		Public Engagement		
Building Blocks	Early Engagement	Readiness Gate	Process Planning	Application Development & Review	Effects Assessment	Recommendation	Decision	Post Certificate
Important building blocks that government, Indigenous nations and proponents put in place to provide a strong foundation for EAs. Proponents have access to information to better	Early identification of potential key issues, and how those issues will be addressed.	EAO and Indigenous Nations make a decision on whether to commence the EA and provide direction on key issues Time bound alternative dispute resolution process available.	Establish scope, procedures and methods for EA, and how provincial and Indigenous processes and decision making will align, including public engagement.	Proponent conducts technical studies to develop application, seeking feedback from government and Indigenous nations.	Potential effects are assessed according to an agreed to Assessment Plan. Draft conditions are developed, informed by technical advisory group where applicable.	EAO and Indigenous nations make a recommendation on whether to issue a certificate or not. Time bound alternative dispute resolution process available.	Determine whether a project should receive an EA certificate and if so under what conditions.	Project is monitored to ensure it complies with certificate conditions.
understand the regulatory context, cumulative effects, and if								
their project will trigger the EA act.			Consensu	us among parties	s increases as _l	process progresses	s, consistent	with the

United Nations Declaration on the Rights of Indigenous Peoples

Building Blocks

Setting the stage for successful project assessments

- Will need to build over time and will require work across government not just by EAO
- Province to establish G2G agreements and relationships with Indigenous nations, which may include EA
- Support independence of scientific data; recognize indigenous knowledge; advance availability of data across project EAs
- Introduce legal framework for regional and strategic EAs
- Province advances other, related strategic initiatives (e.g. PR, LUP, CEF)



Early Engagement

Building early understanding of issues and opportunities

- Engagement on initial project description; informs development of a detailed project description
- Indigenous nations identify if they have rights and title that would be impacted
- Engagement with Indigenous and provincial governments, local communities and the public
- Identification of potential key issues and consideration of how issues will be addressed
- Set timelines that would vary based on project and context
- Key document and process to inform "readiness" decision and subsequent EA scoping



Readiness Gate

Decision whether to commence and direction on the key issues

- EAO and Indigenous nations make a decision on EA commencement and provide direction on key issues
- Time bound alternative dispute resolution process
- Possible early decision by Minister and Indigenous governing bodies that a project is clearly irreconcilable with existing law or defined policy objectives supported by reasons for decision, or if a project should proceed directly to permitting



Alternative Dispute Resolution: EA Advisory Committee Recommendations

- Time-bound alterative dispute resolution process to:
 - Provide constructive direction
 - Support for reconciliation within the EA process
 - Address disputes arising from implementation of UNDRIP in the EA process
 - Apply indigenous laws and legal process to address disputes among Indigenous nations in areas of shared territories in relation to EAs when requested to do so



Process Planning

Set clear and predictable plans and requirements for the EA

- Establish:
 - scope, procedures and methods for EA
 - how provincial and Indigenous processes and decision-making will align
 - funding, timelines, and opportunities for public participation
- 180 days
- Technical Advisory Group



Application Development & Review

Iterative, participatory approach for the development and review of the project application

- Proponent conducts technical studies, seeking feedback from government and Indigenous nations
- Application Development: Feedback on data collection and analysis will help identify and resolve key issues, which reduces delays in final review stage
- Application Review: EAO, Indigenous nations and all EA participants review and comment on the draft application within time limits



Effects Assessment and Recommendation

Reaching assessment conclusions and making a recommendation to decision makers

- Potential effects assessed according to approach in Assessment Plan
- Proposed conditions and recommendation to decision-makers are developed
- Informed by advice from technical advisory group, and input provided by the public and local communities
- Bound by time set out in Assessment Plan (100 to 200 days)



Decision

Determining whether a project should receive an EA certificate and if so under what conditions

- Ministers make a decision:
 - In consideration of recommendations of the EAO,
 - In consideration of the decisions of Indigenous nations
 - According to defined decision criteria
- Ministers issue reasons for their decision
- Collaboration, earlier process agreements and dispute resolution mechanisms aim to contribute to consistency between provincial and Indigenous decisions



Post Certificate

Ensuring projects are in compliance with their EA certificates

- Ongoing monitoring, compliance inspections and, where required, enforcement actions
- Ensure that projects are designed, built, operated and decommissioned/reclaimed in compliance with their EA certificates
- Linkages with other agencies or groups that have a role in post-EA permitting or compliance and enforcement



EA Revitalization Next Steps

- Comment Period on the Discussion Paper until July 30th with interim reports on feedback received
- Ongoing engagement with Indigenous nations and stakeholders
- What We Heard Summary (expected August 2018)
- Intentions Paper (expected early September 2018)
- New legislation introduced
- Early Fall 2018: anticipated engagement with external stakeholders on the Reviewable Projects Regulation



